

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 22, 1893.—Ordered to be printed.

Mr. MITCHELL, from the Committee on Claims, submitted the following

REPORT:

[To accompany bill S. 264.]

The Committee on Claims, to whom was referred the bill (S. 264) for the relief of William B. Morgan, having had the same under consideration, beg to submit the following report:

The bill proposes to appropriate the sum of \$2,141.64, claimed to be the unexpended balance of an amount appropriated by act of March 3, 1885, for pay of disbursing agent of the United States Coast and Geodetic Survey for the fiscal year 1886, and that the same be paid to William B. Morgan, claimant, late disbursing agent of the Coast and Geodetic Survey, for allowance of pay from August 24, 1885, to June 30, 1886, inclusive.

It is made to appear to your committee from papers in the case that Mr. Morgan, the claimant, was on the 12th day of January, 1882, appointed disbursing agent of the Coast and Geodetic Survey, and that he was dismissed from this position by order of the President on the 23d day of July, 1885. The circumstances connected with his appointment and dismissal, as presented by the claimant himself, appear in the following letter, addressed to the chairman of this committee, of date February 1, 1893:

WASHINGTON, D. C., *February 1, 1893.*

Referring to Senate bill No. 264 for my relief, now pending before the committee of which you are chairman, I have the honor to present the following facts for your consideration:

I was appointed to the position of disbursing agent of the Coast Survey on the 12th day of January, 1882, by Secretary Folger, without solicitation on my part. At the time the position was tendered to me I was making an examination of the office of the United States Assistant Treasurer, New York, and was very much surprised that I should have been selected over all others for the place.

I was dismissed from the position by order of the President (Cleveland) on the 23d day of July, 1885, before any evidence had been taken as to whether or not I had been guilty of having done anything wrong.

On the evening of the day of my dismissal, and before any evidence had been taken, the information was given to the Associated Press, and I was branded all over the country as being a defaulter, etc. I was not permitted to appear before the commission appointed to investigate the Coast Survey either in person or by attorney.

On the 5th day of October, 1885, I requested the Secretary of the Treasury (Mr. Manning) to instruct the accounting officers to take up and adjust my accounts specially. This order was given by Mr. Manning, but my accounts were not finally passed upon by the accounting officers until the 15th day of January, 1889, over three years and three months after the Secretary's instruction had been given to act upon the said accounts specially.

These accounts were settled without the loss of a penny to the Government, my bondsmen, or myself. During this entire time (over 3 years) I could not, and did not attempt to, transact any other business, as my entire time was taken up in mak-

ing explanations and assisting in every way possible to secure a final and just settlement of my accounts, thereby removing the stigma which attached to my former clean, honest, and honorable record. From the papers already before your Committee, you will perceive that I was finally restored to my position by the Administration which deposed me and my resignation accepted.

I beg most respectfully to refer you to the letter of Capt. McMillan, Deputy First Auditor of the Treasury, who is cognizant of the services I rendered, etc.

The amount involved in this bill is insignificant when compared with the amount of labor performed and the suffering undergone in consequence of the unjust treatment received. I will be greatly obliged if you will have the bill favorably reported and acted upon by the Senate during this session of Congress.

Very truly yours,

WM. B. MORGAN,
1330 Vermont Avenue.

Hon. J. H. MITCHELL,
Chairman Committee on Claims, United States Senate.

Claimant also presented to the chairman of this committee a communication from A. F. McMillan, Deputy First Auditor of the Treasury, dated January 23, 1893, of which the following is a copy:

TREASURY DEPARTMENT, OFFICE OF THE FIRST AUDITOR,
Washington, D. C., January 23, 1893.

SIR: Referring to Senate bill No. 264, introduced by Senator Cameron for the relief of Mr. W. B. Morgan, late disbursing agent U. S. Coast Survey, I am informed by him that certain original papers filed with the clerk of the Senate Committee on Appropriations had been mislaid or lost, and in that connection I desire to say that among said papers there was a letter written by myself in reference to Mr. Morgan's claim, in which I stated that it was within my personal knowledge that he spent practically all of his time for more than two years after his suspension from office in looking after the settlement and closing of his accounts as disbursing agent. Indeed his time was so constantly taken up as I have stated that it was impossible for him to engage in any other business. I was, during the whole time spoken of, chief of the division in this office through which Mr. Morgan's accounts were settled, thus enabling me to make this statement from personal observation.

While it manifestly would be out of place for me to express an opinion in regard to what may or should be allowed Mr. Morgan as contemplated by the bill referred to, yet I presume it will not be deemed out of place for me to say that within my long connection with this Department (some 28 years) I have never known a similar case to Mr. Morgan's and one in which such great equities exist. While it is not within my power to recommend an appropriation for the relief of Mr. Morgan, I trust I will be pardoned for expressing the opinion that he should be compensated for the enforced loss of time in such amount as Congress may deem just.

Very respectfully,

A. F. McMILLAN,
Deputy First Auditor.

Hon. JNO. H. MITCHELL,
Chairman Committee on Claims, United States Senate.

A reference of the bill to the Treasury Department elicited the following communications: (1) A letter from George C. Schaffer, in charge of the Coast and Geodetic Survey accounts, to Hon. A. C. Matthews, First Comptroller of the Treasury, dated February 7, 1893; and (2) a letter from A. C. Matthews, First Comptroller, to the chairman of this committee, dated February 8, 1893.

TREASURY DEPARTMENT,
OFFICE OF THE FIRST COMPTROLLER,
Washington, D. C., February 7, 1893.

SIR: Referring to Senate bill No. 264, for the relief of William B. Morgan, which you handed to me together with a letter to you, of date February 1, from Hon. John H. Mitchell, chairman Senate Committee on Claims, inclosing the papers relating to the claim, I have, in compliance with your verbal instructions, to recite the facts in regard to the matter.

On the 26th day of October, 1886, I was placed in charge of the accounts of the Coast and Geodetic Survey in this office and directed to adjust Mr. Morgan's accounts.

Prior to this date I have no knowledge as to the settlement of the above accounts. I found Mr. Morgan *functus officio*, and upon adjustments of this office prior to October 26, 1886, there was a balance upon the books of the Treasury Department due to the United States from Mr. Morgan of \$32,317.43.

By Report No. 258125 an adjustment of Mr. Morgan's accounts was made by this office, under date of July 20, 1888, and a balance found due to the United States of \$3,571.27, which sum Mr. Morgan was requested to deposit with the Treasurer of the United States, in order that his accounts might be closed.

Under date of December 27, 1888, Mr. B. A. Colonna, assistant in charge Office of Coast and Geodetic Survey, filed an additional brief in the matter of pay disallowed against various officers of the Coast and Geodetic Survey, in the accounts of Mr. Morgan.

As directed by the Comptroller, I carefully examined and considered the brief filed by Mr. Colonna, and made a report in writing to the Comptroller, in which in view of the action taken by the Secretary of the Treasury and the Comptroller, upon reports made by me in certain cases therein recited, I suggested that a similar course in regard to the cases at issue would be in harmony with the uniform action of the Comptroller upon other accounts, wherein the question at issue was the propriety of revising the exercise of a discretion vested by law in the administrative officers of the Executive Departments.

Under date of December 28, 1888, the Comptroller approved this report and requested the First Auditor to state and report, as early as practicable, supplemental adjustments of Mr. Morgan's accounts, and in view of the facts above recited the Comptroller recommended that the disallowances heretofore made in said accounts be restored to the credit of Mr. Morgan. By Report No. 267288, a supplemental adjustment of Mr. Morgan's accounts was made by this office, under date of January 8, 1889, and a balance found due to the United States of \$433.64, which sum Mr. Morgan was requested to deposit with the Treasurer of the United States, as early as practicable, in order to close his accounts. Mr. Morgan duly deposited the money as appears by warrant in favor of the Treasurer, viz, No. 263, dated January 10, 1889, amounting to \$433.64.

By Report No. 267490 a final adjustment of Mr. Morgan's accounts was made by this office, under date of January 15, 1889, and Mr. Morgan notified that by the above and former adjustments all of his accounts as late disbursing agent of the U. S. Coast and Geodetic Survey had been closed upon the books of the Treasury Department. By Report No. 267577 (deficiency act, March 2, 1889), under date of March 9, 1889, a balance of \$203.80 was found due to Mr. Morgan from the United States on account of his salary from July 24, 1885, to August 22, 1885.

Prior to October 26, 1886, and subsequent to that date, I have no personal knowledge in regard to the matters referred to by Mr. Morgan and Capt. McMillan, other than the routine matters consequent upon a compliance with the instructions of the Comptroller relative to the adjustment of Mr. Morgan's accounts.

I may add that all affidavits, letters, statements, briefs, and papers whatsoever, filed in the Comptroller's office by the officers and persons employed in the Coast and Geodetic Survey, and by Mr. Colonna and the Superintendent of the Coast and Geodetic Survey, and upon which my reports and the adjustments of Mr. Morgan's accounts were based, were carefully filed with the accounts in the Register's office.

The papers are herewith returned.

Respectfully yours,

GEORGE C. SCHAEFFER,

In charge Coast and Geodetic Survey accounts.

Hon. A. C. MATTHEWS,
First Comptroller of the Treasury.

TREASURY DEPARTMENT,
FIRST COMPTROLLER'S OFFICE,
Washington, D. C., February 8, 1893.

SIR: I have the honor to return herewith Senate bill No. 264, for the relief of William H. Morgan, with the papers and exhibits accompanying them when forwarded to me, together with a communication from Mr. George C. Schaeffer, reciting the facts in connection with the settlement of the accounts of Mr. Morgan in this office, to which your attention is respectfully invited.

From the communication of Mr. Schaeffer you will discover when Mr. Morgan's official term ceased he was apparently in debt to the Government in the sum of \$32,317.43. A careful investigation of the accounts, however, reveals the fact that he was only indebted in the sum of \$433.64, which he deposited in the early part of 1889, and closed his accounts. He was fully paid his salary for the entire time

during which he served the Government, and while it is most likely true that after the close of his official term he rendered more or less service in connection with the settlement of his accounts, it is equally true that such service, as a rule, is always rendered gratuitously, and is supposed to be rendered by the disbursing officer himself, to the end that his accounts may be properly settled.

I have no recommendation to make in the matter, as I am in no manner informed of the facts only as they appear from the papers themselves.

Very respectfully,

A. C. MATTHEWS,
Comptroller.

Hon. JOHN H. MITCHELL.
United States Senate.

It is further shown to your committee by an examination of the general deficiency bill, approved March 2, 1889 (U. S. Stats. at Large, Vol. 25, p. 908), that the following clause was inserted:

For allowance to W. B. Morgan, late disbursing agent of the United States Coast and Geodetic Survey, of thirty days' pay, from July 24 to August 22, 1885, for pay of disbursing agent Coast and Geodetic Survey, for the fiscal year 1886, \$203.80.

It appears from the foregoing correspondence, furthermore, that in pursuance of this provision an account was stated in the Department as of date March 9, 1889, in his favor for a balance of \$203.80, which amount, presumably, has been paid to Mr. Morgan.

It further appears from the foregoing correspondence that Mr. Morgan was fully paid his salary for the entire time during which he continued in office. The claim therefore made in the pending bill is for services alleged to have been rendered after he ceased to be such officer, and it is shown by the foregoing correspondence that Mr. Morgan did after the close of his official term render certain service in connection with the settlement of his accounts; but, as very properly stated in the communication of the First Comptroller, "it is equally true that such service, as a rule, is always rendered gratuitously and is supposed to be rendered by the disbursing agent himself to the end that his accounts may be properly settled."

In view, therefore, of all the circumstances, your committee are unable to give its assent to the pending bill. They therefore report back the bill (S. 264) adversely and recommend its indefinite postponement.